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Remarks by  
Admiral Stansfield Turner  
Director of Central Intelligence  
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American Intelligence in the 1980's

It is always a treat to have a chance to exchange ideas with the press. I believe that our two professions, journalism and intelligence, have a great deal in common. We have in common the task of finding the facts about what is going on in the world; you primarily, for the American public; we, primarily for the American government.

Beyond that, we both recognize the great importance to each of us of protecting our sources of information. I admire those newsmen who have been willing to go to jail rather than to disclose their sources. I assure you that we too will go to considerable lengths to protect ours.

The appreciation of the value of an exclusive is another common professional characteristic. For you, it can provide an important edge over your competitors. For us, it can give the President of the United States an important edge of advantage when competing or negotiating with others.

There is also another interest we have in common. We both must possess some fundamental protections under the law if we are to continue to be effective for our country. For you, the most fundamental protection is the freedom of speech which is guaranteed by the First Amendment of the Constitution. For us, it is the guarantee of a reasonable degree of secrecy, without which we simply cannot function. And, it is here that our interests sometimes appear to collide. It may seem to you that we are ready and eager to dispense with the privileges of the First Amendment in the pursuit of secrecy. Nothing could be further from the truth.

Today we are proceeding with deliberation and very great caution in seeking new legislation that will help solve the severe problems we have in maintaining a necessary degree of secrecy. We recognize that in so doing it is vital that we not endanger in any way the Constitutional guarantees of freedom of speech or any other freedom set forth in our Constitution. But at the same time, we must recognize that in the 1980s, the United States faces problems around the world to which our response may be in our best interests only if we have good intelligence.

I believe the decade of the 1980s will be more precarious for this country than the '60s and the '70s; first, because in the '80s, we will face for the first time a Soviet leadership that does not feel militarily inferior to the United States. Whether that Soviet perception is grounded in fact or fiction, there is very little that even the Congress or the Pentagon can do to change it significantly in the better part of the decade ahead of us. Consequently, our foreign policy must be based on the perception by the Soviets of military parity with us. Essentially, that means that our relationship with the Soviet Union must be handled differently than in the past. It is a new challenge to us.

A second reason the decade of the '80s will be different and more challenging is that the free countries of the developed world cannot expect the same continued high rate of economic growth we have become accustomed to in the past several decades. Traditionally, economic growth in developed countries has been tied to the growth rate of the energy supply. We in the Central Intelligence Agency believe that the developed countries of the Free World will be lucky if they sustain a growth rate increase of total energy supply--natural gas, oil, coal, nuclear, thermal, solar, whatever it may be--of 1 or 2% for the better part of this decade. And that may be optimistic. Thus, the rate of energy increase will not sustain gross national product growth rates of 4, 5 or 6%.

Beyond that, we forecast that in 1980 the OPEC countries will cream something like \$127 billion off the top of international trade. That may not seem like a great deal until you compare it to the 1978 figure which was just \$3 billion. When OPEC increased the price of oil 3 1/2 times in 1974, the OPEC countries generated an enormous cash surplus. But by 1978 that surplus was worn down to \$3 billion by two devices. One, they bought more from us. And, two, inflation ate into the rest of it. It has now risen to \$127 billion because within the last 15 months the price of oil has gone up by 125%. There are clear signs that OPEC is not going to let us eat the \$127 billion away by inflation in the future. We have a different challenge ahead of us.

Thirdly, in the 1980s the mechanisms for handling military, political, and economic problems are going to work differently. Our NATO and Japanese allies have sound political structures, are prosperous economically, and they clearly want to have a larger voice in the councils of our alliances. The lesser developed, raw material producing countries will be much more intent in the '80s on producing what is in their best interests, what suits their economies and needs, rather than ours. This does not mean that our alliances need weaken nor that there need be strained relations with the lesser developed countries. Instead, it means that we will have to be more astute and more foresighted. To do that we will need better information, better intelligence upon which to base this country's foreign policy decisions.

This brings me back to the issue of the First Amendment. Can we have better intelligence, which by its very nature must be obtained and kept in secret, without infringing upon the rights assured us all in the Constitution? I believe so. But I believe, first, it will require changes in the way we in the intelligence community go about our business. Beyond that, it will require new legislative support to enable us to function effectively yet guarantee all Constitutional provisions are respected.

Let me start by describing a few of the changes we have already made in how we go about doing our business. We are scrupulous today in avoiding any activity which might intrude on the privacy of an American, or which may confuse the intelligence gathering with law enforcement. For example, if we are tracing flow of narcotics in a foreign country, and a foreign narcotics trafficker becomes involved with an American, either illegally or legally, we must drop the case.

An actual case a short time ago occurred during a rebellion in a lesser developed country in which we were very interested. We were having considerable difficulty keeping track of what was happening. The best information came from ham radio transmissions of an American missionary in the country. The question we had to answer before monitoring the missionary's transmissions was, "Does this qualify as illegal electronic surveillance of an American citizen?" Our lawyers debated the points of law involved and finally decided that as long as the missionary was using a ham radio band and method of transmission, which in essence is public, it would be legal to listen. But, if he shifted his technique or his frequency in an effort to disguise his broadcast--as he well might given the risk under which he was operating--then we would have to consider that a desire for privacy and we would have to stop listening.

My legal staff and that of the Attorney General very often must consider fundamental issues of Constitutional law like this in the midst of operational crises. The Attorney General's people have been very cooperative with us in coming to quick resolutions of these issues so we could proceed, nonetheless, the obvious result of these kinds of rules and procedures is that the speed and flexibility with which we can respond to crisis situations is reduced. You can imagine the dampening effect it can have on all intelligence work.

Today our operators in the field are almost forced to drop any operation which could involve an American citizen. In most instances, we can adapt reasonably well. However, because the issues are often complex and because my people in the field are generally not lawyers, it can have the effect of inducing over-caution by the individual on-scene. The more complex the legal standards with which intelligence officers must comply, the more the chance is that their initiative will be dulled and the more their flexibility in crisis situations which might involve the lives or the property of American citizens is reduced. Yet, let me add that I personally feel that the costs of insuring the rights of the American citizen under the Constitution are bearable and are worth it to us as a nation.

There is, however, another cost, a cost that has arisen out of recent years of focus by the public on the intelligence process, which is neither bearable nor worth it to our country. This is the cost which comes from the reduction in our ability to guard national secrets.

Today, there is much talk about unleashing the CIA. Unleashing is not what we need, not what we want, not what we are asking the Congress to legislate for us. What we do seek, because our effectiveness is dependent upon it, is to be able to protect legitimate secrets better; secrets relating to how we collect information; who our sources are; and what the information actually is. In four specific areas, we need legislative help. Unfortunately, much of the reporting on these requests for legislation has misunderstood their intent. I would like to take a minute on each to describe what we are seeking and why.

The first concerns covert action. As you know, covert action is not really an intelligence function. It is any effort by the United States to influence the course of events in a foreign country without the origin of that influence being identifiable. Covert action is a dirty word to some, and less

than three years ago some people were trying to legislate covert action out of existence. In recent months, the American public and the American press have asked more and more "Isn't there something we can do to exert our power, our influence, overseas short of military action?" Yes, there is. Covert action has limitations, but it does have a proper place in our diplomatic portfolio between talking and fighting.

In 1974, Congress passed the Hughes-Ryan Amendment which requires that each time the President approves a covert action, I must notify up to eight committees of the Congress. I assure you it is very difficult to recruit volunteers to undertake a high risk covert operation if I have to admit to them that I am going up on Capitol Hill to tell 200 people about it. That is not to say the Congress is not trustworthy. I do not want to tell 200 people at the CIA about it either if they do not really need to know about it.

I understand and appreciate why the Congress passed the Hughes-Ryan Amendment in 1974. It was an initial effort to put additional controls on this activity, which may have been necessary and desirable at that time. But since then a rigorous set of oversight procedures has been instituted in the executive and congressional branches. One of these procedures provides for two committees of the Congress dedicated exclusively to intelligence oversight. The legislative relief which we seek would reduce our notification of covert actions from eight to those two intelligence oversight committees. This would still ensure adequate and effective accountability, and, in point of fact, not even reduce substantially the number of committees that know because on the two intelligence committees there are representatives of the other six committees. So if they have a legitimate jurisdictional need to know about a covert action activity, there will be members of their committees who can so inform them. We think this is an important step in bringing covert action back into the realm of the feasible while clearly providing for its responsible use through accountability.

The second area where we need relief relates to the Freedom of Information Act. The problem here is much more one of perception than of fact. Our foreign sources and the foreign intelligence agencies with whom we cooperate are not persuaded today that their identities and the information they give us can be kept secret under the Freedom of Information Act requirement.

In fact, it can. Under the existing law, we are not required to release information about our sources through the Freedom of Information Act process. But that protection is continually being challenged in the courts. Our agents wonder how much longer we will win those cases. As long as they perceive that there is a risk to them from the Freedom of Information Act if they work with us, our operations will be hampered.

Again, we are not asking for a blanket exemption from this act. We are asking for an exemption for information pertaining to the identification of our sources so that we can assure those sources that they are specifically exempt. This need to protect sources is an area of intelligence work that should be better understood by you of the media than by any other audience.

The third area is a problem of very serious personal concern to me. It concerns the deliberate, callous disclosure of the identities of our people and our sources overseas. It is unreasonable, in my opinion, to ask Americans to work for the CIA abroad, especially in the lawless climate that exists today, where our people's lives are frequently on the line by the very nature of the work that they do, if we cannot at least protect their identities from our enemies.

Yet we are in a position today where people like Philip Agee, whose avowed purpose is to destroy the Central Intelligence Agency, can do these things with impunity. You will all recall the case of Richard Welch, our chief of station in Athens in 1975, who was murdered shortly after the disclosure of his identity. You are all well aware that five weeks ago in Jamaica one of Agee's cohorts, Louis Wolf, went on television, showed the pictures of 15 employees of the American Embassy, gave their names, their telephone numbers, their addresses, their license plate numbers. Two nights later the home of one of them was bombed and machine-gunned. Two nights after that there was an abortive attack on still another one.

It makes no sense to call for better intelligence on the one hand and then not take steps to provide elemental protection to those who are going to collect that intelligence. There are, of course, the obvious risks to the officer and his family. Beyond that there is the sacrifice of his career when he is exposed. The nation, in turn, loses the substantial investment it has made in the individual. The replacement of compromised officers sometimes takes us years and sometimes it is impossible.

In addition, once an officer's identity is disclosed, our adversaries can analyze his past associations and his places of employment, uncovering still further his associates, his sources, and others who help the United States at often great personal risk.

I have watched the legislative history over the last six months. It has been controversial and it will continue to be so. The debate in the Senate has raged from one extreme to the other. Early in the game, one senator said it was just not possible to punish private citizens who had no direct or authorized access to this classified information that was being disclosed. Recently another senator said that some risk to our civil rights were acceptable because "it is not possible to have an ongoing intelligence capability and a totality of civil rights protection."

The consensus legislation that is now drafted is somewhere in between. It is very narrowly crafted so as not to infringe upon the fundamental freedoms of speech and of the press that we all support. It would first apply to persons who have had authorized access to classified information and then disclose it. But it would also apply to anyone who discloses protected intelligence identities if he or she does so as part of a deliberate effort to impair or impede our foreign intelligence activities. Given the impetus of this recent Jamaican incident, there seems to be a good prospect that this relief legislation will pass in this session of the Congress. I hope so.

Lastly, we need legislative relief against "gray mail." Gray mail refers to a situation in which a defendant or his attorney demands that the government produce all manner of perhaps irrelevant classified information in the course

of a prosecution in the hope of dissuading prosecution. Unfortunately, there have been cases when such disclosure would have damaged the United States more than would have been a withdrawal of the prosecution, and we have had to withdraw. A gray mail bill has been proposed by the Attorney General and passed by the Senate. Hopefully, it will pass the House within the month.

In brief, this bill would enable the government to prevent the unnecessary disclosure of classified information during discovery or trial by allowing the prosecution to obtain pre-trial rulings on issues of relevance and by providing the court with alternatives to dropping the case in the event that the government still decides that it could not, for reasons of national security, adduce this necessary classified information. The alternatives, for instance, might include the judge stipulating that certain facts are true, or dismissing a particular count, or excluding the testimony of a particular witness. All in all, we simply ask while protecting the rights of the accused for some way to provide classified information to the court in a manner that will not lead to its general disclosure if that would harm the United States.

Let me sum up by saying that you in the media and we in the intelligence profession, as Americans, face a common dilemma. On the one hand, we are all striving for an ideal: an open society, one in which government processes are as open as possible. On the other, every responsible American recognizes the necessity for an essentially secret intelligence service to prevent our country from being surprised or threatened from without. The issue is can the ideal and the necessity coexist?

I believe they can. I believe they must. The issue is not the leashing or unleashing of the Central Intelligence Agency. The issue is whether we can equip our intelligence agencies with both the legal and the practical tools to do their job effectively in a changing world environment and, at the same time, require them to adhere to the legal and ethical standards on which our country was built.

I believe we can achieve both objectives. The institution of rigorous oversight procedures in both the executive and congressional branches of our government over the past three years has given the American citizen reason to be confident that American intelligence activities are in consonance with national policy and that they are accountable to the people through their elected representatives. At the same time, with the growing understanding and support of the American public, and with the passage by the Congress of the legal remedies I have described, I believe that we can continue to be the most effective intelligence service in the world.

We are moving surely, steadily in the right direction. But we are not yet there. I ask you who are in a profession not at all dissimilar from ours for your understanding and your support, not just support for enactment of these legislative remedies, but your support for the maintenance by this country of a strong, intelligence capability so that we can learn about and interpret events in other countries. We will very much need to be able to do that throughout the precarious decade that lies ahead.

Thank you very much.